

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ESTEBAN F. MARTINEZ HERNANDEZ,

Defendant.

**4:12CR3077**

**DETENTION ORDER**

DETENTION ORDER PENDING TRIAL

After affording the defendant an opportunity for a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending trial.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a drug crime under the Controlled Substances Act (21 U.S.C. § 801 et seq.), for which the defendant could be required to serve ten or more years in prison. The defendant has not rebutted this presumption.

Specifically, the court finds:

The defendant's criminal record indicates a propensity to violate orders of the court.  
The defendant is not a United States citizen and could flee the country before trial.  
The defendant waived the right to a detention hearing.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

August 28, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge